

OLC 78-0487/18

29 August 1978



OGC REVIEW COMPLETED

MEMORANDUM FOR: Legislative Counsel

FROM:

Assistant Legislative Counsel

STATINTL

SUBJECT: S. 2640, the Civil Service Reform Act

1. As noted in a memorandum prepared by the undersigned on 25 August 1978, the Senate last week passed their version of the President's Civil Service Reform Act. The following, for your information, is a very brief precis of the most important sections of that bill and their anticipated affect, if any, on this Agency.

2. In general the bill, as a total reorganization of the Civil Service:

- Provides for an independent Merit Systems Protection Board and special counsel to adjudicate employee appeals and serve as the "watchdog" of the merit system;

- Provides new protection for employees ('whistle-blowers') who disclose illegal or improper Government conduct or activities;

- Empowers a new Office of Personnel Management (OPM) to supervise personnel management in most agencies comprising the Executive Branch;

- Establish principles whereby decisions on promotions, pay or employee discipline be based solely on performance;

- Creates new standards for employee dismissals as well as streamlining the process for dismissal;

- Creates a new Senior Executive Service (employees above the grade of GS-15) whereby tenure and rewards will be based on accomplishment;

- Authorizes the OPM to conduct research in public management;

- Creates a new statutory base for improvement of labor-management relations including the establishment of the Federal Labor Relations Authority (FLRA).

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4. It is therefore the position of this office in coordination with the Office of General Counsel that the Civil Service Reform Act as embodied in the U.S. Senate version largely takes into consideration the special mission of this Agency and is generally acceptable, though further changes will have to be made in the special counsel provisions of Title II to fully protect CIA equities.

STATINTL

Assistant Legislative Counsel

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OLC:MDC:sm (29 Aug 78)

OLC 78-0487/17

25 August 1978

DD/A Registry

DD/A Registry

File *Personnel*

MEMORANDUM FOR THE RECORD

SUBJECT: Passage of S. 2640, the "Civil Service Reform Act of 1978"

1. The undersigned, accompanied by [redacted] of the Office of General Counsel, attended on the evening of 24 August 1978 the Senate floor debate on S. 2640, the "Civil Service Reform Act of 1978." The bill passed the Senate by a lop-sided vote of 87-1.

STATINTL

2. All of CIA's exemptions, both those initially written in and those added at the insistence of this office, appear to have been retained in the bill as passed. This, however, cannot be positively determined until the passed bill is printed and reviewed in its entirety, which will be done as soon as a printed copy is available.

3. The House version of the Civil Service Reform legislation, vastly differing from that passed by the Senate, is expected to reach the House floor at approximately 3:00 p.m. on 6 September, as it is the second order of business upon the House's return from vacation. The House version continues to harbor several problems for this Agency, all of which we are presently concerning ourselves with. Although it is hoped that the most significant of those problems can be rectified by floor amendment (Representative Udall will introduce these with HPSCI Chairman Boland's support), some minor changes will undoubtedly have to be taken care of in conference.

4. Assuming that the House passes the bill, in one or another form, during the week of 5 September, it is anticipated that Conference will convene as soon as practicable thereafter.

5. An interesting sidelight which occurred during the Senate debate, and which is of benefit to us, concerns the Hatch Act reform provisions currently present in the House version. Both the Senate Majority and Minority floor managers agreed when pointedly asked that they, as conferees, would not, under any circumstances, accept a conference report which contained Hatch Act reform. This is of benefit to us as we are not presently totally exempted from the House Hatch Act provisions. The Office of Legislative Counsel will continue to keep interested parties apprised of developments in this important legislation as well as continue to work towards inclusion of our suggested amendments in the House bill.

[redacted]

Assistant Legislative Counsel

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